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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| 08/658,493 | 06/07/96 | GADLOT | 6 124-519 |

PMS2/0235

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EXAMINER

TUDOR, H

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 02/23/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A ~~shortened~~ statutory period for response to this action is set to expire SIX month(s), or ~~thirty days~~, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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FOREIGN GOVERNMENT INFORMATION
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Art Unit: 3641

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "adapted to", in line 10 of claim 1 and in line 2 of claim 3, is vague and indefinite. Claim 1 is vague and indefinite in that it does not positively claim sufficient structure of the propellant support to support the functional language in lines 10-13.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 3, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by either Dimond et al, Swedish Patent 124,185

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or British Patent 676,368. In Dimond et al, plate 36' is the propellant support. In Swedish Patent 124,185, plate 5 is the propellant support. In the British Patent, elements 4 and 5 are they propellant support.

5. Claims 1-6, as far as they can be understood because of their indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Olstein in view of Burney. Olstein discloses the invention substantially as claimed. However, Olstein does not disclose the specifically claimed propellant support. Burney teaches, in Figure 2, a propellant support comprising a perforated plate 5 and a slotted load ring 7. The propellant support of Burney not only serves to hold the charge in place but also prevents the passage of solid particles of burning charge to the discharge nozzle. To employ the propellant support of Burney in the Olstein projectile to support the charge and to prevent the passage of solid particles of the burning charge to the discharge nozzle, would have been obvious to one having ordinary skill in the art at the time the invention was made.

6. Claim 7, as far as it can be understood because of its indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Olstein in view of Burney and French Patent 2,522,134.

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Olstein and Burney are applied as above. However, they do not disclose a base bleed system. The French Patent teaches using a base bleed system in addition to a propellant charge in an explosive projectile to reduce base drag. To employ a base bleed system in the projectile formed by the combination of Olstein and Burney to reduce base drag, as taught by the French Patent, would have been obvious to one having ordinary skill in the art at the time the invention was made.

Any inquiry concerning this communication should be directed to Harold Tudor at telephone number (703) 306-4172.

Tudor/gj-25

1-21-98

Harold Tudor
HAROLD J. TUDOR
EXAMINER
GROUP ART UNIT 3641